

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Mr. JUSTICE ABHINAND KUMAR SHAVILI

Writ Appeal Nos.1505, 1508 and 1511 of 2017

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

These three appeals are preferred by the petitioners in W.P. Nos. 30891, 31036 and 31037 of 2017 and batch, aggrieved by the order of the learned Single Judge in dismissing the Writ Petitions at the stage of admission by his order dated 21.9.2017.

The action of the Tahsildar in unilaterally cancelling the sale deeds registered in the year 2007, ten years later in the year 2017, without putting the appellants-writ petitioners on notice, and without giving them an opportunity of being heard, is impugned in the writ petitions.

While elaborate arguments were advanced by the learned Senior Counsel appearing on behalf of the appellants-writ petitioners, and the learned Advocate General for the State of Telangana appearing for the respondents, it is brought to our notice that, subsequently, a learned Single Judge had admitted W.P. No.36387 of 2017 on the very same issue.

As a Writ Petition on the very same issue has been admitted, albeit subsequently, we see no reason why the writ petitions, orders passed in which are under challenge in these appeals, should not be entertained. The order under appeal,

holding that the writ petitions are not maintainable, is set aside. All these writ petitions, the order in which is under challenge before us, shall stand restored. They shall also stand admitted, and be posted along with W.P. No. 36387 of 2017. Counter affidavits, filed on behalf of the respondents, in these appeals shall be treated as the counter-affidavits filed in the writ petitions.

It is open to the appellants-writ petitioners to request the learned Single Judge to take up WPMPs for hearing at an early date. Suffice it to make it clear that neither the order under appeal, nor the order now passed by us, would disable the learned counsel appearing for the appellants-writ petitioners, and the respondents to raise all such contentions, as are available to them in law, including the contention that the appellants-writ petitioners should be relegated to the remedy of filing a Civil Suit before a Civil Court of competent jurisdiction.

All the Writ Appeals are disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(ABHINAND KUMAR SHAVILI, J)

15th November, 2017

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Date: 15.11.2017

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